

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BKNS MANAGEMENT LLC,

Plaintiff,

-V-

FRYSTA MANAGEMENT LLC,

Defendant.

24 Civ. 3631 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

The Court has scheduled oral argument on Plaintiff BKNS Management LLC’s motion for summary judgment for May 7, 2025, at 10:30 a.m. The Court anticipates allocating twenty minutes per side for argument. In addition to other issues implicated by Plaintiff’s motion, the parties should be prepared to address (1) the application of *Sumner v. People*, 29 N.Y. 337 (1864), to this matter, and (2) assuming *arguendo* that the promissory note is not facially usurious, whether a genuine dispute of material fact nonetheless exists regarding whether the \$125,000 late fee constitutes a cover for usury, *see e.g., Freitas v. Geddes Sav. & Loan Ass’n*, 471 N.E.2d 437, 443 (N.Y. 1984) (“It is the prevailing view that where usury does not appear on the face of the note, usury is a question of fact.”); *Apollo Cap. Corp. v. Astra Veda Corp.*, No. 23 Civ. 9708 (AS), 2024 WL 3729093, at *5 (S.D.N.Y. Aug. 7, 2024).

SO ORDERED.

Dated: April 28, 2025
New York, New York

T. P. C.

JOHN P. CRONAN
United States District Judge